

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Carlo Vescovi	Team: Squad #14	CCRB Case #: 202102981	<input checked="" type="checkbox"/> Force <input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> Discourt. <input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> U.S. <input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 05/15/2021 2:30 AM	Location of Incident: § 87(2)(b) [REDACTED]		18 Mo. SOL 11/15/2022		Precinct: 44
Date/Time CV Reported Mon, 05/17/2021 9:56 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 05/17/2021 9:56 AM		

Witness(es) _____ **Home Address** _____

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. POF Ana Alba	05755	963842	044 PCT
3. POM Gustavo Ochoa	12454	953189	044 PCT
4. POM Vincent Fortino	23156	963996	044 PCT
5. SGT Michael Bowman	00818	939932	040 PCT
6. SGT Orville Temple	05461	951324	044 PCT
7. POM Dennis Castro	00334	948765	044 PCT
8. POM Joseph Graziadio	15753	966605	044 PCT
9. POM Marcos Monegrosantos	16268	966722	044 PCT
10. PO Jose Rivera	24650	967299	044 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Enver Lopez	04474	954078	044 PCT
2. POM Steven Moran	04466	964667	PSA 7
3. POM Alexandre Ramirez	06982	966292	044 PCT
4. POM Luiggi Feliz	05945	967505	PSA 7
5. POM Michael Espenberg	03086	948938	044 PCT
6. POM Christophe Williams	03659	955663	044 PCT
7. DTS Wilfredo Benitez	05619	947459	044 PCT
8. POF Karolin Abreugarcia	22106	968911	044 PCT
9. SGT Erik Duran	01423	948476	044 PCT
10. POF Dania Caceresolivo	11032	964415	044 PCT
11. POM Alexis Muniz	23969	967218	044 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
12. POM Zachary Lavender	26451	950732	044 PCT
13. POF Jennifer Rivera	05287	967663	044 PCT
14. POM Onyx Salvador	22056	959962	044 PCT
15. POM Xavier Perez	10454	963692	044 PCT
16. POM Ariel Gonzalez	21041	958646	044 PCT
17. POM Emmanuel Fernandez	16823	950402	044 PCT
Officer(s)	Allegation	Investigator Recommendation	
A . POM Marcos Monegrosantos	Force: Police Officer Marcos Monegrosantos used a chokehold against § 87(2)(b) [REDACTED]	[REDACTED]	
B . POM Marcos Monegrosantos	Force: Police Officer Marcos Monegrosantos restricted § 87(2)(b) [REDACTED] breathing.	[REDACTED]	
C . POM Marcos Monegrosantos	Force: Police Officer Marcos Monegrosantos used physical force against § 87(2)(b) [REDACTED]	[REDACTED]	
D . POM Marcos Monegrosantos	Force: Police Officer Marcos Monegrosantos used physical force against § 87(2)(b) [REDACTED]	[REDACTED]	
E . POM Marcos Monegrosantos	Force: Police Officer Marcos Monegrosantos restricted § 87(2)(b) [REDACTED] breathing.	[REDACTED]	
F . POM Marcos Monegrosantos	Force: Police Officer Marcos Monegrosantos used physical force against § 87(2)(b) [REDACTED]	[REDACTED]	
G . POM Marcos Monegrosantos	Force: Police Officer Marcos Monegrosantos struck § 87(2)(b) [REDACTED] with a radio.	[REDACTED]	
H . POM Marcos Monegrosantos	Force: Police Officer Marcos Monegrosantos used physical force against § 87(2)(b) [REDACTED]	[REDACTED]	
I . POM Dennis Castro	Abuse: Police Officer Dennis Castro threatened § 87(2)(b) [REDACTED] with the use of force.	[REDACTED]	
J . POM Joseph Graziadio	Force: Police Officer Joseph Graziadio used physical force against § 87(2)(b) [REDACTED]	[REDACTED]	
K . POM Dennis Castro	Force: Police Officer Dennis Castro used physical force against § 87(2)(b) [REDACTED]	[REDACTED]	
L . POM Joseph Graziadio	Discourtesy: Police Officer Joseph Graziadio spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]	
M . POM Marcos Monegrosantos	Force: Police Officer Marcos Monegrosantos used physical force against § 87(2)(b) [REDACTED]	[REDACTED]	
N . POM Marcos Monegrosantos	Abuse: Police Officer Marcos Monegrosantos threatened § 87(2)(b) [REDACTED] with the use of force.	[REDACTED]	
O . POM Gustavo Ochoa	Discourtesy: Police Officer Gustavo Ochoa spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]	
P . POM Vincent Fortino	Force: Police Officer Vincent Fortino used physical force against § 87(2)(b) [REDACTED]	[REDACTED]	
Q . POM Marcos Monegrosantos	Force: Police Officer Marcos Monegrosantos used physical force against § 87(2)(b) [REDACTED]	[REDACTED]	
R . SGT Orville Temple	Discourtesy: Sergeant Orville Temple spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]	
S . POM Marcos Monegrosantos	Abuse: Police Officer Marcos Monegrosantos forcibly removed § 87(2)(b) [REDACTED] to the hospital.	[REDACTED]	
T . PO Jose Rivera	Abuse: Police Officer Jose Rivera forcibly removed § 87(2)(b) [REDACTED] to the hospital.	[REDACTED]	
U . SGT Michael Bowman	Off. Language: Sergeant Michael Bowman made remarks to an individual based upon the gender of an individual.	[REDACTED]	

Officer(s)	Allegation	Investigator Recommendation
V . SGT Michael Bowman	Discourtesy: Sergeant Michael Bowman spoke discourteously to an individual.	[REDACTED]
W . SGT Michael Bowman	Abuse: Sergeant Michael Bowman threatened individuals with the use of force.	[REDACTED]
X . SGT Michael Bowman	Abuse: Sergeant Michael Bowman threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]
Y . POF Ana Alba	Abuse: Police Officer Ana Alba threatened § 87(2)(b) [REDACTED] with the use of force.	[REDACTED]
Z . Officers	Off. Language: Officers made remarks to § 87(2)(b) [REDACTED] based upon the perceived sexual orientation of § 87(2)(b) [REDACTED]	[REDACTED]
AA. Officers	Discourtesy: Officers spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
AB. Officers	Off. Language: Officers made remarks to § 87(2)(b) [REDACTED] based upon the perceived sexual orientation of § 87(2)(b) [REDACTED]	[REDACTED]
AC. Officers	Discourtesy: Officers spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
AD. Officers	Off. Language: Officers made remarks to § 87(2)(b) [REDACTED] based upon the perceived sexual orientation of § 87(2)(b) [REDACTED]	[REDACTED]
AE. Officers	Discourtesy: Officers spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
AF. Officers	Abuse: Officers obstructed their shield numbers.	[REDACTED]

Case Summary

On May 17th, 2021, § 87(2)(b) filed the following complaint with the CCRB via the call processing system on behalf of herself, her daughters, § 87(2)(b) and § 87(2)(b) § 87(2)(b) and § 87(2)(b) friend, § 87(2)(b). On May 15th, 2022, an unidentified reporting non-witness filed a duplicate complaint on behalf of § 87(2)(b) girlfriend, § 87(2)(b) and § 87(2)(b)

On May 15th, 2021, at approximately 2:30am, § 87(2)(b) informed § 87(2)(b) and § 87(2)(b) that she was considering suicide. § 87(2)(b) alerted the police, at which point PO Marco Monegrosantos and PO Jose Rivera, both of the 44th Precinct, responded to § 87(2)(b) in the Bronx. After speaking briefly with § 87(2)(b) near the apartment door, PO Monegrosantos and PO Rivera led § 87(2)(b) outside to speak with EMTs. An EMT informed § 87(2)(b) that she would need to go to the hospital. § 87(2)(b) walked towards § 87(2)(b) at which point, PO Monegrosantos allegedly used a chokehold, restricted § 87(2)(b) breathing, and forcibly took § 87(2)(b) to the ground (**Allegation A – C, Force:** § 87(2)(g)). PO Monegrosantos allegedly knelt on § 87(2)(b) neck, restricting her breathing for a second time (**Allegation D – E, Force:** § 87(2)(g)). Once on the ground, PO Monegrosantos allegedly punched § 87(2)(b) in the side near her ribs with a closed fist (**Allegation F, Force:** § 87(2)(g)). During this time, § 87(2)(b) attempted to pull PO Monegrosantos away from § 87(2)(b) and PO Monegrosantos allegedly pushed and hit § 87(2)(b) in the face near her left eye with his radio (**Allegation G – H, Force:** § 87(2)(g)). § 87(2)(b) still on the ground, then bit PO Monegrosantos, allowing her to break free from his grasp and stand up partially.

Police Officers Joseph Graziadio, Dennis Castro, Emmanuel Fernandez, Ariel Gonzalez, Xavier Perez, Gustavo Ochoa, Onyx Salvador, Jennifer Rivera, Zachary Lavender, Vincent Fortino, Ana Alba, Alexis Muniz, Dania Caceresolivo, Christopher Williams, Michael Espenberg, Alexandre Ramirez, Enver Lopez, Edward Batista, Justin Ortiz, Nicholas Rivera, John Carbone, Paul Basilone, Jordan Nunez, Yesenia Rengel, Andrew Shon, Sergeants Erik Duran, Michael Bowman, Orville Temple, and Detective Wilfredo Benitez, all of the 44th Precinct, and Police Officers Steven Moran and Luiggi Feliz, of PSA 7, arrived on scene to assist PO Monegrosantos and PO Rivera.

PO Castro drew his taser (**Allegation I, Abuse of Authority:** § 87(2)(g)). PO Gradziadio and PO Castro then forcibly took § 87(2)(b) to the ground (**Allegation J, Force:** § 87(2)(g)). **Allegation K, Force:** § 87(2)(g). As PO Castro and PO Graziadio restrained § 87(2)(b), PO Graziadio stated, “Motherfucker...get the fuck back...we’re trying to fucking help,” (**Allegation L, Discourtesy:** § 87(2)(g)). PO Monegrosantos turned his attention to § 87(2)(b) and allegedly pulled her away from § 87(2)(b) by dragging her across the sidewalk and allegedly pointing his taser at her (**Allegation M - N, Force, Abuse of Authority:** § 87(2)(g)). PO Castro and PO Graziadio escorted § 87(2)(b) to the ambulance with assistance from PO Ochoa. PO Ochoa told § 87(2)(b) “Shut the fuck up,” (**Allegation O, Discourtesy:** § 87(2)(g)). As PO Castro and PO Graziadio led § 87(2)(b) to the ambulance, PO Fortino pushed § 87(2)(b) backwards across the sidewalk (**Allegation P, Force:** § 87(2)(g)).

As PO Castro and PO Graziadio led § 87(2)(b) to the ambulance, PO Monegrosantos forcibly took § 87(2)(b) to the ground, allegedly hitting her head on the sidewalk in the process (**Allegation Q, Force:** § 87(2)(g)). Sergeant Temple assisted PO Monegrosantos in handcuffing § 87(2)(b) during which time he instructed an unidentified individual, “Back the fuck up,” (**Allegation R, Discourtesy:** § 87(2)(g)). § 87(2)(b) was subsequently arrested. § 87(2)(b) was then removed to § 87(2)(b) Hospital (**Allegation S-T, Abuse of Authority:** § 87(2)(g)).

Sergeant Bowman stood near the stoop of § 87(2)(b) where at least four individuals had gathered, and others were leaning out of the window and making statements.

Sergeant Bowman stated, "You said we were pussies, then come outside" to unidentified individuals (**Allegation U, Offensive Language; Allegation V, Discourtesy; Allegation W: Abuse of Authority:** § 87(2)(g) As § 87(2)(b) walked around the incident location filming on her cell phone, Sergeant Bowman told § 87(2)(b) "You're next, you will be next," (**Allegation X, Abuse of Authority:** § 87(2)(g) § 87(2)(b) told PO Alba, "You're only tough because you got a badge...when I see y'all without that badge...[unintelligible]." PO Alba responded, "Alright, I'll see you...I'll wait for you. § 87(2)(b) is gonna see me without my badge, okay," (**Allegation Y, Abuse of Authority:** § 87(2)(g) During the incident, unidentified officers allegedly called § 87(2)(b) and § 87(2)(b) "dykes," (**Allegation Z-AE, Offensive Language, Discourtesy:** § 87(2)(g) § 87(2)(b) alleged that multiple officers on scene had their badge numbers obscured with mourning bands (**Allegation AF, Abuse of Authority:** § 87(2)(g) After the removal of § 87(2)(b) who was also placed under arrest, and the arrest of § 87(2)(b) all officers left the incident location.

§ 87(2)(b) was charged with assault in the second degree, assault in the second degree with the intent to injure a police officer, and obstructing governmental administration (BR 01). § 87(2) [REDACTED] was charged with assault in the second degree with the intent to injure a police officer, obstructing governmental administration, and assault with intent to cause physical injury (BR 02).

[§ 87(2)]
[§ 86(1)]

BWC for this case was received from PO Monegrosantos, PO Jose Rivera, PO Graziadio, PO Castro, PO Fernandez, PO Gonzalez, PO Perez, PO Ochoa, PO Salvador, PO Jennifer Rivera, PO Lavender, PO Fortino, PO Alba, PO Muniz, PO Caceresolivo, PO Williams, PO Espenberg, PO Ramirez, PO Lopez, PO Batista, PO Ortiz, PO Nicholas Rivera, PO Carbone, PO Basilone, PO Nunez, PO Rengel, PO Shon, PO Moran, PO Feliz, Sergeant Duran, Sergeant Bowman, Sergeant Temple, and Detective Wilfredo Benitez. The investigation also received cell phone footage from § 87(2)(b) and an unknown individual (BR 03). The relevant aspects of all footage are addressed in further detail below.

Findings and Recommendations

Allegation (A) Force: Police Officer Marcos Monegrosantos used a chokehold against § 87(2)(b)

**Allegation (B) Force: Police Officer Marcos Monegrosantos restricted § 87(2)(b)
breathing.**

Allegation (C) Force: Police Officer Marcos Monegrosantos used physical force against § 87(2)(b)

Allegation (D) Force: Police Officer Marcos Monegrosantos used physical force against § 87(2)(b)

**Allegation (E) Force: Police Officer Marcos Monegrosantos restricted § 87(2)(b)
breathing.**

Allegation (F) Force: Police Officer Marcos Monegrosantos used physical force against § 87(2)(b)

[REDACTED] testified (BR 04) that prior to returning home to § 87(2)(b) in the Bronx, she got into an argument with an unidentified friend near a body of water. When she returned home, § 87(2)(b) and § 87(2)(b) informed her that they had called 911 because they were concerned she had tried to jump in the water. After approximately 10 minutes, PO Monegrosantos and PO Rivera responded. PO Monegrosantos and PO Rivera spoke briefly with § 87(2)(b) outside the apartment door, at which point § 87(2)(b) stated she did not attempt self-harm. PO Monegrosantos and PO Rivera asked § 87(2)(b) to step outside and allow EMTs to examine her, to which she agreed. § 87(2)(b) and § 87(2)(b) were also present, standing closer to the stoop.

and front door of § 87(2)(b) § 87(2)(b) refused to get into the ambulance and began to walk towards § 87(2)(b). PO Monegrosantos held § 87(2)(b) back preventing her from moving forwards. § 87(2)(b) stated, "Don't touch me." PO Monegrosantos then wrapped his right hand and forearm around § 87(2)(b) neck, restricting her breathing. PO Monegrosantos maintained this hold on § 87(2)(b) as he forcibly took her to the ground. Once on the ground, PO Monegrosantos removed his hand from § 87(2)(b) neck and kneeled down next to her, placing his knee on her neck and again restricting her breathing. In total, § 87(2)(b) breathing was restricted for approximately two minutes. PO Monegrosantos then punched § 87(2)(b) 10 times with a closed fist on her back and ribs. Because § 87(2)(b) could not breath and wanted PO Monegrosantos to get off of her, she bit his leg as he kneeled on top of her. PO Monegrosantos stood up and yelled, "She bit me!" As a result of this force, § 87(2)(b) suffered scrapes and bruising to both her legs, scrapes on her back, and bruising on her body.

§ 87(2)(b) testified (BR 05) that after speaking briefly with PO Monegrosantos and PO Rivera in the hallway of § 87(2)(b) § 87(2)(b) agreed to step outside so that EMTs could evaluate her. § 87(2)(b) told PO Monegrosantos and PO Rivera that she didn't want to go anywhere. § 87(2)(b) began to walk towards § 87(2)(b) stating, "You can't send me to the hospital." At this point, PO Monegrosantos ran towards § 87(2)(b) and placed his right arm around § 87(2)(b) head so that § 87(2)(b) head was tucked underneath PO Monegrosantos' armpit. § 87(2)(b) dropped body weight in an attempt to free herself. § 87(2)(b) believed that § 87(2)(b) breathing was restricted because her voice was muffled as she was stating, "Let me go." At this point, § 87(2)(b) managed to break free from PO Monegrosantos' grasp and move a few feet away from the curb near the ambulance. After § 87(2)(b) broke free from PO Monegrosantos' grasp, § 87(2)(b) jumped on top of and hugged § 87(2)(b) attempting to place her body in between PO Monegrosantos and § 87(2)(b). PO Monegrosantos pulled § 87(2)(b) so hard that he, § 87(2)(b) and § 87(2)(b) stumbled and fell onto the sidewalk. PO Monegrosantos then got down on the sidewalk and attempted to restrain § 87(2)(b). § 87(2)(b) did not witness PO Monegrosantos place his knee on § 87(2)(b) neck. PO Monegrosantos then punched § 87(2)(b) with a closed fist in the ribs. PO Monegrosantos then announced, § 87(2)(b) bit me," and § 87(2)(b) managed to break free from underneath him and stand up again.

§ 87(2)(b) testified (BR 06) that as § 87(2)(b) walked towards § 87(2)(b) PO Rivera reached out his arm and prevented her from coming any closer. PO Monegrosantos then grabbed § 87(2)(b) and placed her in a head lock by placing his arm all the way around § 87(2)(b) neck. PO Monegrosantos then threw § 87(2)(b) against car on which she had been previously leaning. § 87(2)(b) fell to the floor and PO Monegrosantos landed on top of her. § 87(2)(b) did not see PO Monegrosantos place his knee on § 87(2)(b) neck or chest. While bent over § 87(2)(b) body, PO Monegrosantos punched § 87(2)(b) three times with a closed fist in her ribs.

§ 87(2)(b) partner, § 87(2)(b) was on the stoop of § 87(2)(b) and observed this portion of the incident. § 87(2)(b) testified (BR 07) that PO Monegrosantos used his right arm and grabbed § 87(2)(b) around her neck, turning his bodyweight to throw her against a parked car. PO Monegrosantos held § 87(2)(b) against the car momentarily before taking her to the ground. PO Monegrosantos turned § 87(2)(b) around to handcuff her, and then placed his knee on § 87(2)(b) upper neck and back. § 87(2)(b) could hear § 87(2)(b) screaming, "I can't breathe."

§ 87(2)(b) neighbor, § 87(2)(b) observed this portion of the incident from her window, which faces down onto Morris Avenue. § 87(2)(b) testified (BR 08) that PO Monegrosantos suddenly grabbed § 87(2)(b) under her neck in a headlock motion and forced her backwards, onto the ground, still in a headlock. PO Monegrosantos' arm was around § 87(2)(b) neck for a couple seconds. § 87(2)(b) was yelling that she could not breathe. § 87(2)(b) did not observe any officers punch § 87(2)(b) then exited her apartment and came downstairs, during which time the remainder of the allegations took place.

At 5:34 on the player timestamp of PO Monegrosantos' BWC (BR 09), he and PO Rivera lead § 87(2)(b) downstairs where EMTs are waiting. At 7:10 on the player timestamp, and EMT

speaks with § 87(2)(b) in the street, directly behind the ambulance, informing § 87(2)(b) that she needs to go to the hospital. § 87(2)(b) refuses. At 7:54, § 87(2)(b) addresses § 87(2)(b) now standing on the sidewalk a few feet away from the curb. § 87(2)(b) states, “You § 87(2)(b) know it’s not about my safety.” § 87(2)(b) begins to move towards the curb where § 87(2)(b) and § 87(2)(b) are standing. PO Rivera stands in her way and outstretches his hand but does not make contact with § 87(2)(b). PO Monegrosantos states, “Alright, we’re going to cuff § 87(2)(b).” At 8:03, PO Monegrosantos walks towards § 87(2)(b) and outstretches his arm to grab onto her shoulder. § 87(2)(b) yells, “Don’t touch me,” and turns fully around, trying to pull her arm away from PO Monegrosantos. A struggle then ensues, during which time § 87(2)(b) repeatedly attempts to pull away from PO Monegrosantos’ grasp. At 8:13, § 87(2)(b) is captured attempting to pull § 87(2)(b) backwards away from the officers. PO Monegrosantos pulls § 87(2)(b) right arm down to the sidewalk, effectively bringing her to the ground. At 8:24, an officer states, “Put your hands behind your back.” At 8:40, PO Monegrosantos briefly turns his attention to § 87(2)(b) standing nearby. At 8:50, PO Monegrosantos yells, “§ 87(2)(b) bit me.” His BWC falls off at 8:50. Up until this point, the video does not capture PO Monegrosantos placing § 87(2)(b) in a chokehold or using handstrikes on § 87(2)(b). The video does not capture PO Monegrosantos placing his knee on the back of § 87(2)(b) neck.

At 8:00 of PO Rivera’s BWC (BR 10) § 87(2)(b) is standing near the curb after speaking with EMTs. PO Rivera is standing between her and § 87(2)(b) who is behind him on the sidewalk. § 87(2)(b) attempts to get past PO Rivera to reach § 87(2)(b) at which point the physical altercation between PO Monegrosantos and § 87(2)(b) commences. At 8:08, PO Rivera’s BWC is knocked off and does not capture PO Monegrosantos placing § 87(2)(b) in a chokehold, forcibly taking her to the ground, or placing his knee on her neck.

§ 87(2)(b) provided the investigation with a cell phone video taken by an unknown individual out the window of § 87(2)(b) (BR 03). From 7:29-7:33 on the player timestamp, PO Monegrosantos is captured struggling with § 87(2)(b) near the curb, however the camera is shaky, and it is dark outside, and the specifics of the force are not captured. The video does not capture PO Monegrosantos using a chokehold on § 87(2)(b) or using hand strikes. The video does not capture PO Monegrosantos kneeling on § 87(2)(b) neck.

A request for a Threat, Resistance, and Injury report for § 87(2)(b) yielded negative results (BR 11).

§ 87(2)(b) was removed to § 87(2)(b) Hospital, and her medical records show the chief complaint was a psychiatric evaluation (BR 12). § 87(2)(b) was diagnosed with agitation, abrasions of multiple sites, and alcoholic intoxication without complication. The report notes, “When asking patient about bruising on the right side of her neck, patient states the police choked her during the altercation.”

§ 87(2)(g)

§ 87(2)(g)

Allegation (G) Force: Police Officer Marcos Monegrosantos struck § 87(2)(b) with a radio.

Allegation (H) Force: Police Officer Marcos Monegrosantos used physical force against § 87(2)(b)

§ 87(2)(b) testified that after PO Monegrosantos stood up because § 87(2)(b) bit him, he pursued § 87(2)(b) for a few feet. § 87(2)(b) grabbed PO Monegrosantos’ arm and tried to put herself in between PO Monegrosantos and § 87(2)(b). PO Monegrosantos attempted to shake § 87(2)(b) off and in doing so, hit § 87(2)(b) in the corner of her left eye near her nose with his radio. As a result of being hit with the radio, § 87(2)(b) sustained a bruise and a laceration on her nose and a black left eye.

§ 87(2)(b) testified that after being taken to the ground a second time, § 87(2)(b) was kicking with her legs and screaming, "Get off of me." § 87(2)(b) came down off the stoop and stood near this group of officers, screaming "Get off my sister." § 87(2)(b) observed an officer punch § 87(2)(b) in the head with a closed fist, but was unable to be more specific about which officer. § 87(2)(b) was not touching any officers or attempting to get any officers off § 87(2)(b) in the moments leading up to the punch.

PO Rivera testified he did not recall PO Monegrosantos hitting § 87(2)(b) with a radio in the head.

As both PO Monegrosantos' and PO Rivera's BWC had fallen off during this portion of the incident, the footage does not capture PO Monegrosantos using force against § 87(2)(b). As PO Rivera and PO Monegrosantos were only officers on scene during this portion of the incident, there is no other BWC footage capturing these allegations.

Cell phone footage provided by § 87(2)(b) does not capture this portion of the incident.

§ 87(2)(b) provided the investigation with photographs of injuries § 87(2)(b) sustained as a result of this incident (BR 14-17). The images capture a cut and bruise near § 87(2)(b) left eye near her nose, as well as bruising and scraping on her legs.

§ 87(2)(b) went to § 87(2)(b) Center to receive care for her injuries. Under her general examination, the physician noted that § 87(2)(b) had mild pain on her nose but no tenderness or bruising (BR 18). § 87(2)(b) was prescribed ibuprofen and amoxicillin.

§ 87(2)(g)

§ 87(2)(g)

Allegation (I) Abuse of Authority: Police Officer Dennis Castro threatened § 87(2)(b) with the use of force.

Allegation (J) Force: Police Officer Joseph Graziadio used physical force against § 87(2)(b).

Allegation (K) Force: Police Officer Dennis Castro used physical force against § 87(2)(b).

§ 87(2)(b) testified that after biting and breaking free from PO Monegrosantos's grasp a second time, PO Graziadio and PO Castro grabbed § 87(2)(b) and pulled her towards the ambulance, whereupon § 87(2)(b) fell into a pile of garbage on the curb. PO Castro and PO Graziadio handcuffed § 87(2)(b) while she was on the ground at which point, she was placed in an ambulance and removed to § 87(2)(b) Hospital.

§ 87(2)(b) testified that after § 87(2)(b) bit PO Monegrosantos, PO Castro and PO Graziadio forcibly took her to the ground for a second time, near a group of garbage bags by the curb.

§ 87(2)(b) testified that an officer used a forcible takedown to get § 87(2)(b) onto the ground, but § 87(2)(b) could not be more specific. § 87(2)(b) head was being pushed into garbage bags that were sitting on the curb. Officers pulled on § 87(2)(b) arms and legs.

At 0:53 on the player timestamp of PO Graziadio's BWC (BR 19), an officer believed to be PO Monegrosantos is attempting to hold § 87(2)(b) hands behind her back. At this point it has already been determined that § 87(2)(b) is to be removed to the hospital. She is not handcuffed. At 0:56, § 87(2)(b) ducks her head and folds her body forward, attempting to break free from PO Monegrosantos. PO Graziadio runs forward and grabs § 87(2)(b) by her upper left arm. PO Castro is captured on § 87(2)(b) right side at 1:00 on the player timestamp. In pulling § 87(2)(b) towards him, PO Graziadio, PO Castro, and § 87(2)(b) all fall to the ground near a group of black garbage bags near the curb where § 87(2)(b) lands on her stomach. From 1:05-1:17, PO Graziadio and PO Castro restrain § 87(2)(b) hands behind her back so that PO Graziadio can place handcuffs on her.

At 0:50 on the player timestamp of PO Castro's BWC (BR 20), § 87(2)(b) is already engaged in the physical altercation with PO Monegrosantos as captured on PO Graziadio's BWC. At 0:52, PO Castro draws his taser and turns to his left, where § 87(2)(b) is captured standing up bent forward with her back to PO Castro, having broken away from PO Monegrosantos. PO Castro grabs § 87(2)(b) and forcibly takes her to the ground with PO Graziadio. § 87(2)(b) lands on her stomach near a group of black trash bags by the curb. From 0:53-0:58, PO Castro and PO Graziadio pull § 87(2)(b) hands behind her back. PO Castro still has his taser drawn, though he is not captured pointing it at § 87(2)(b).

As the entirety of this portion of the incident is captured on BWC, PO Graziadio was not interviewed for this investigation.

§ 87(2)(g)

NYPD Patrol Guide Procedure 221-01 (BR 22) states that force may be used when it is reasonable to ensure the safety of a member of service or a third person, or otherwise protect life. In all circumstances, the application or use of force must be reasonable under the circumstances. When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. In situations in which this is not safe and/or appropriate, MOS will use only the reasonable force necessary to gain control or custody of a subject.

§ 87(2)(b) and § 87(2)(b) testimonies are consistent that PO Graziadio forcibly took § 87(2)(b) to the ground near the garbage bags. This is consistent with PO Graziadio's BWC, which captures he and PO Castro forcibly taking § 87(2)(b) to the ground near the garbage bags. It is undisputed that moments prior, § 87(2)(b) bit PO Monegrosantos on the leg and had broken free from his grasp. PO Graziadio's BWC captures § 87(2)(b) actively resisting and attempting to pull her arms away from PO Monegrosantos, as well as hunching her body over in order to break free. § 87(2)(g)

§ 87(2)(g)

Allegation (M) Force: Police Officer Marcos Monegrosantos used physical force against

§ 87(2)(b)

Allegation (N) Abuse of Authority: Police Officer Marcos Monegrosantos threatened § 87(2)(b) **with the use of force.**

§ 87(2)(b) testified that after § 87(2)(b) bit PO Monegrosantos and broke free from PO Monegrosantos' grasp, § 87(2)(b) raised both of her hands outstretched and pushed PO Monegrosantos on his chest to prevent him from reaching § 87(2)(b). PO Monegrosantos continued to walk into § 87(2)(b) and she fell onto the ground on top of § 87(2)(b). PO Monegrosantos then grabbed § 87(2)(b) by the hand and pulled her forcefully off § 87(2)(b) for approximately three feet. § 87(2)(b) stood back up and again attempted to get in between PO Monegrosantos and § 87(2)(b) at which point, PO Monegrosantos pointed his taser at § 87(2)(b).

§ 87(2)(b) testified that after the moment in which § 87(2)(b) bit PO Monegrosantos, PO Monegrosantos turned his attention to § 87(2)(b) who remained near the curb side of the sidewalk. PO Monegrosantos raised his taser and pointed it at § 87(2)(b) but § 87(2)(b) could not be more specific regarding what happened around this point of the incident.

Both PO Monegrosantos' and PO Rivera's BWC had already fallen off at this portion of the

incident and as such the footage does not capture these allegations. No other officers had yet responded to the scene yet.

At 7:20 on the player timestamp of the cell phone footage provided by § 87(2)(b) [REDACTED] is on the ground and PO Monegrosantos is standing above her. § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] approach PO Monegrosantos and § 87(2)(b) [REDACTED] At 7:25 on the player timestamp, § 87(2)(b) [REDACTED] is captured standing between PO Monegrosantos and § 87(2)(b) [REDACTED] At 7:42, PO Monegrosantos, who can be recognized by the blue mask hanging from his left ear, grabs § 87(2)(b) [REDACTED] somewhere on her upper body and pulls her backwards, away from § 87(2)(b) [REDACTED] As the individual filming the video rearranges the camera angle, the video does not capture the moments from 7:48-8:02. When the video focuses back on § 87(2)(b) [REDACTED] PO Monegrosantos is captured pointing his taser at § 87(2)(b) [REDACTED] for approximately five seconds before lowering the taser and walking towards the ambulance. At 8:14, PO Monegrosantos walks away from § 87(2)(b) [REDACTED] and towards the ambulance.

§ 87(2)(g)
[REDACTED]
[REDACTED]
§ 87(2)(g)
[REDACTED]

Allegation (S) Abuse of Authority: Police Officer Marcos Monegrosantos forcibly removed § 87(2)(b) [REDACTED] to the hospital.

Allegation (T) Abuse of Authority: Police Officer Jose Rivera forcibly removed § 87(2)(b) [REDACTED] to the hospital.

§ 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] both testified they requested police and medical attention for § 87(2)(b) [REDACTED] because they feared she was a threat to herself based on the interaction earlier in the night during which § 87(2)(b) [REDACTED] threatened to jump in a body of water.

As PO Monegrosantos and PO Rivera were the initial officers to arrive on scene and assisted EMTs in evaluating § 87(2)(b) [REDACTED] at the side of the ambulance, this allegation was pled to PO Monegrosantos and PO Rivera. PO Rivera testified that EMTs made the decision to remove § 87(2)(b) [REDACTED] to the hospital.

At 6:03 on the player timestamp of PO Monegrosantos' BWC, an EMT tells PO Monegrosantos, "We're going to the hospital." PO Monegrosantos states, "Okay." At 7:10 on the player timestamp, and EMT tells § 87(2)(b) [REDACTED] "We have to go to the hospital."

§ 87(2)(g)
[REDACTED]
[REDACTED]

NYPD Patrol Guide Procedure 216-01 (BR 23) states that any occurrence coming to the attention of a uniformed member of the service which requires that a person other than a prisoner receive medical aid or assistance, uniformed members of service concerned shall cooperate with ambulance/hospital personnel in every reasonable manner.

§ 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] both testified that they believed § 87(2)(b) [REDACTED] was a threat to herself at the time of this incident. PO Rivera's testimony that EMTs made the decision to remove § 87(2)(b) [REDACTED] to the hospital is consistent with the interactions observed between EMTs and PO Rivera and PO Monegrosantos, as well as between EMTs and § 87(2)(b) [REDACTED] as captured on PO Monegrosantos' BWC. § 87(2)(g)
[REDACTED]
[REDACTED]
§ 87(2)(g)
[REDACTED]
[REDACTED]

Allegation (Q) Force: Police Officer Marcos Monegrosantos used physical force against § 87(2)(b) [REDACTED]

§ 87(2)(b) [REDACTED] testified that after she bit PO Monegrosantos, and during the time PO Graziadio,

and PO Castro were detaining her near the trash bags, § 87(2)(b) attempted to help § 87(2)(b) but § 87(2)(b) could not be more specific about how. PO Monegrosantos pushed § 87(2)(b) out of the way.

§ 87(2)(b) testified that after PO Monegrosantos hit her with his radio, § 87(2)(b) exited the vehicle nearby where she was watching the incident occur. § 87(2)(b) walked towards PO Monegrosantos and asked, "What's going on, what are you doing?" Additional officers including PO Graziadio and PO Castro, and Sergeant Temple appeared on scene and attempted to create a barrier between § 87(2)(b) and § 87(2)(b) who was still on the ground. PO Monegrosantos conducted a forcible takedown on § 87(2)(b) at which point she hit her head on the ground. § 87(2)(b) described this as "tackling," but could not provide additional detail regarding the force.

§ 87(2)(b) testified that after § 87(2)(b) was successfully handcuffed, § 87(2)(b) appeared on scene. Five officers grabbed § 87(2)(b) and used a forcible takedown to bring her to the ground. § 87(2)(b) did not see what, if any, interactions § 87(2)(b) had with the police prior to this takedown, but saw afterwards that § 87(2)(b) was on the ground in handcuffs.

§ 87(2)(b) was uncooperative with the investigation and did not provide a statement (see IAs for contact attempts).

At 7:38 on the player timestamp of the cell phone video § 87(2)(b) provided the investigation, § 87(2)(b) is wearing dark pants and a white, short-sleeved t-shirt. As PO Monegrosantos struggles to detain § 87(2)(b) is captured approaching PO Monegrosantos. While her specific actions are not discernable from the video because it is dark and shaking, she appears to be attempting to step in between PO Monegrosantos and § 87(2)(b). At 7:38, § 87(2)(b) interacts physically with PO Monegrosantos, although it is not clear what this interaction consists of, only that both § 87(2)(b) and PO Monegrosantos' arms appear to be outstretched towards each other. At 7:48, the individual filming the video refocuses the camera angle and the remainder of § 87(2)(b)'s interaction with officers on scene is not captured.

At 8:38 on the player timestamp of PO Monegrosantos' BWC, § 87(2)(b) is captured on the left-hand side of the screen wearing dark pants and a white t-shirt. She is a light-skin female with dark hair. As he attempts to handcuff § 87(2)(b) approaches PO Monegrosantos with her arms outstretched, but her exact movements are not captured as the camera is moving quickly at chest level. PO Monegrosantos' BWC falls off shortly after this, and any subsequent interaction between PO Monegrosantos and § 87(2)(b) are not captured. The BWC footage does not capture PO Monegrosantos forcibly taking § 87(2)(b) to the ground.

PO Rivera's BWC captures elements of § 87(2)(b)'s forcible takedown. At 10:26, § 87(2)(b) is captured standing speaking with an officer near the curb. PO Monegrosantos runs towards her and there is again some sort of physical altercation, although the specifics of the force are not captured on PO Rivera's BWC because the camera is shaking. PO Monegrosantos is captured grabbing § 87(2)(b) near her upper body and pulling her backwards. § 87(2)(b) then falls to the ground.

At 0:00 on the player timestamp of Sergeant Temple's BWC (BR 36) he is captured running towards § 87(2)(b). PO Monegrosantos is in the process of forcibly taking § 87(2)(b) to the ground as Sergeant Temple approaches. § 87(2)(b) is almost entirely on the ground by the time Sergeant Temple reaches her. At 0:05, § 87(2)(b) is briefly captured on her stomach and PO Monegrosantos is holding down her outstretched right arm. From 0:00 to 0:17 on the player timestamp, Sgt. Temple, PO Monegrosantos, and PO Rivera handcuff § 87(2)(b) before lifting her to her feet.

Sergeant Temple testified that upon his arrival on scene, he observed § 87(2)(b) charge towards PO Monegrosantos, but could not be any more specific about her actions. PO Monegrosantos then conducted a forcible takedown on § 87(2)(b). Sergeant Temple went to assist PO Monegrosantos, but § 87(2)(b) was already on the ground at that point. After a few moments, Sergeant Temple, PO Rivera, and PO Monegrosantos were able to successfully handcuff

§ 87(2)(b)

PO Rivera could not recall this aspect of the incident beyond the fact that he assisted officers with handcuffing § 87(2)(b) after she was already on the ground.

A request for a Threat, Resistance, and Injury report yielded negative results for § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

Allegation (P) Force: Police Officer Vincent Fortino used physical force against § 87(2)(b)

§ 87(2)(b) testified that after PO Graziadio and PO Castro forcibly took § 87(2)(b) to the ground for the second time, she was standing in between § 87(2)(b) and other officers in the hopes of preventing more officers from getting to § 87(2)(b). At this point in time, PO Fortino pushed § 87(2)(b) with both hands on her chest such that she fell backwards on the sidewalk.

§ 87(2)(b) and § 87(2)(b) all testified that PO Fortino pushed § 87(2)(b) backwards with such force that she fell backward, nearly hitting her head on the ground. § 87(2)(b) specified that PO Fortino placed both his hands underneath § 87(2)(b) arms when pushing her. § 87(2)(b) testified that unspecified officers told § 87(2)(b) "Move back, move back," and that § 87(2)(b) was not attempting to interfere with officers who were attempting to restrain § 87(2)(b). § 87(2)(b) further testified § 87(2)(b) was not making physical contact with any officers.

At 1:06 on the player timestamp of PO Fortino's BWC (BR 24) § 87(2)(b) is captured on the sidewalk with PO Castro and PO Graziadio on either side of her. § 87(2)(b) is handcuffed. There are at least five individuals on the sidewalk and the stoop of § 87(2)(b) yelling. § 87(2)(b) is captured walking alongside § 87(2)(b) left side with her head turned towards § 87(2)(b). At 1:08, § 87(2)(b) reaches out her right arm and places it on § 87(2)(b) shoulder. She does not take any further physical action to prevent the officers from removing § 87(2)(b) to the ambulance beyond touching § 87(2)(b) shoulder. At 1:09, PO Fortino reaches out and grabs § 87(2)(b) at which point, his BWC falls off. The footage does not capture PO Fortino pushing § 87(2)(b). The footage does not capture § 87(2)(b) attempting to pull § 87(2)(b) away from PO Castro or PO Graziadio.

This portion of the incident is captured on Sergeant Duran's BWC (BR 25). At 0:40, Sergeant Duran is engaged in conversation with § 87(2)(b) but because there is no audio the contents of their conversation are not captured. § 87(2)(b) appears out of breath but does not display any aggressive or violent behavior towards Sergeant Duran or any other officers on scene. From Sergeant Duran's video, § 87(2)(b) appears to be approximately 5'5" and weighing approximately 100 pounds. At 0:50 on the right-hand side of the screen, PO Graziadio and PO Castro are leading a handcuffed § 87(2)(b) off the sidewalk toward the ambulance in the street. At 0:51, § 87(2)(b) approaches § 87(2)(b) and reaches out her arm towards § 87(2)(b). By 0:52, § 87(2)(b) arm is no longer outstretched, and she is not touching PO Graziadio, PO Castro, or § 87(2)(b). At 0:53, PO Fortino is captured placing both his arms on § 87(2)(b) outer chest, near her armpits and pushes her backwards with tremendous force, nearly lifting her off her feet and sending her backwards towards the steps of 1242 Morris Avenue. § 87(2)(b) falls to the ground.

PO Fortino testified (BR 26) that upon arriving on scene, he observed approximately 30 officers and between 10 and 15 individuals constituting a crowd. Members of the crowd were yelling and screaming. PO Fortino observed § 87(2)(b) attempting to "rip" § 87(2)(b) away from EMTs and officers by placing her hands on top of § 87(2)(b). PO Fortino could not speak to § 87(2)(b) exact positioning at that moment, but he did recall that § 87(2)(b) was handcuffed. PO

Fortino believed that § 87(2)(b) was trying to grab § 87(2)(b). PO Fortino did not personally issue any commands to § 87(2)(b) though he heard other officers tell her, "Ma'am, get back." PO Fortino felt it was necessary to separate § 87(2)(b) from § 87(2)(b) by pushing § 87(2)(b) using two open palms at chest level against her shoulders. § 87(2)(b) fell down and backward. PO Fortino felt this was an appropriate measure of force because § 87(2)(b) had been told by other members of service to stay back, she was attempting to interfere with EMTs and officers, and for officer and § 87(2)(b) safety. PO Fortino testified that he could not have used any lesser measure of force to create distance between § 87(2)(b) and § 87(2)(b). PO Fortino did not prepare a TRI for this incident because the force he used, a push, did not require one. Per PO Fortino's CCRB pedigree sheet, he is a 27-year-old male weighing 225 pounds and standing 6'1".

Sergeant Duran testified (BR 27) that he remembered § 87(2)(b) attempting to interfere with some sort of police action but could not be any more specific. Though this portion of the incident was clearly captured on Sergeant Duran's BWC, he could not testify to § 87(2)(b) actions prior to PO Fortino pushing her because Sergeant Duran's attention was elsewhere.

NYPD Patrol Guide Procedure 221-01 states that force may be used when it is reasonable to ensure the safety of a member of service or a third person, or otherwise protect life. In all circumstances, the application or use of force must be reasonable under the circumstances. When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. In situations in which this is not safe and/or appropriate, MOS will use only the reasonable force necessary to gain control or custody of a subject. In determining whether the use of force is reasonable, MOS should consider the following: The nature/severity of the crime; actions taken by the subject; duration of the action; immediacy of the perceived threat; the number of subjects in comparison to the number of MOS; the size, age, and condition of the subject in comparison to the MOS; the presence of hostile crowd or agitators.

NYPD Patrol Guide Procedure 221-02 (BR 28) states that member of service should apply no more than the reasonable force necessary to gain control. Members of service must assess the situation continually and adjust the use of force as necessary.

PO Fortino's testimony that there were several individuals on the street that could constitute the presence of a crowd, and that these individuals were yelling and screaming is consistent with his own BWC footage. However, per PO Fortino's own testimony there were more officers on scene than there were members of the crowd by the time of his arrival. Per PO Fortino's CCRB pedigree sheet, he was a 6'1" male weighing 225 pounds, while § 87(2)(b) appeared to be 5'5" weighing 100 pounds on Sergeant Duran's BWC. PO Fortino's testimony that officers had already instructed § 87(2)(b) to move back near the stoop is consistent with § 87(2)(b) testimony and BWC, which captures officers shouting, "Get back," repeatedly. § 87(2)(g)

Allegation (U) Offensive Language: Sergeant Michael Bowman made remarks to individual based upon the gender of individual.

Allegation (V) Courtesy: Sergeant Michael Bowman spoke discourteously to individual.

Allegation (W) Abuse of Authority: Sergeant Michael Bowman threatened individuals with the use of force.

At 2:40 on the player timestamp of Sergeant Bowman's BWC (BR 29), an unknown

individual is captured speaking to him out of one of the open windows of § 87(2)(b). Sergeant Bowman is standing on the stoop near the stoop of § 87(2)(b). The individual speaking out of the window states, "Y'all are pussies." Sergeant Bowman replies, "Then come outside." Beginning at 2:50 on the player timestamp, Sergeant Bowman states, "You said we were pussies, then come outside..."

In his testimony (BR 30), Sergeant Bowman said he made these remarks while attempting to make a connection with the individual who was yelling out the window, in the hopes of getting the individual to calm down. Apart from repeating the same language that the individual used, there was no reason for which Sergeant Bowman used the word, "Pussy." There was no reason for which Sergeant Bowman stated, "You need to be on the second step to be eye level with me."

NYPD Administrative Guide 304-06 (BR 31) states that using discourteous or disrespectful remarks regarding another person's age, ethnicity, race, religion, gender, gender identity or expression, sexual orientation, or disability is prohibited.

NYPD Patrol Guide Procedure 200-02 (BR 32) states that members of service are to maintain a higher standard of integrity than is generally expected of others, and to value human life, respect the dignity of each individual and render services with courtesy and civility.

NYPD Patrol Guide Procedure 221-01 states that force may be used when it is reasonable to ensure the safety of a member of service or a third person, or otherwise protect life.

§ 87(2)(g)



It is undisputed that Sergeant Bowman told the individual, "Then come outside," after the individual called Sergeant Bowman a pussy. § 87(2)(g)



Allegation (X) Abuse of Authority: Sergeant Michael Bowman threatened to arrest § 87(2)(b)

§ 87(2)(b) testified that after § 87(2)(b) was removed to the ambulance, § 87(2)(b) remained on scene and continued to film on her cell phone. As she filmed, Sergeant Bowman told § 87(2)(b) "You're next," which she perceived to mean that she was going to be arrested.

From 1:00 to 2:30 on the player timestamp of Sergeant Bowman's BWC, Sergeant Bowman is captured telling individuals on the sidewalk, including § 87(2)(b) to get inside § 87(2)(b) and to get back more generally at least seven times. At 3:11 on the player timestamp of Sergeant Bowman's BWC, § 87(2)(b) is captured walking around the scene filming on her cell phone, including past Sergeant Bowman towards the curb where the ambulance is parked. § 87(2)(b) is speaking in an elevated tone, nearly yelling, as she walks around the scene. Officers on scene can be heard telling individuals on the sidewalk, including § 87(2)(b) to get inside the house and to move off the sidewalk. At 4:09, § 87(2)(b) walks past Sergeant Bowman and he states, "You're next. You will be next." § 87(2)(b) asks, "I'm next? What did I do that's illegal?" Sergeant Bowman again states, "You will be next."

Sergeant Bowman testified that he instructed § 87(2)(b) to remain on the sidewalk near the entrance of § 87(2)(b). When she did not follow his instruction, Sergeant Bowman then informed § 87(2)(b) that she could be arrested and made this statement to § 87(2)(b) because § 87(2)(b) behavior at that point amounted to obstruction of governmental

administration. Sergeant Bowman testified that he did not necessarily intend to arrest § 87(2)(b) but issued the statement, "You're next," as a warning to deter § 87(2)(b) from continuing to walk around the scene.

New York State Penal Law, Section 195.05 (BR 33) defines obstructing governmental administration as intentionally obstructing, impairing or perverting the administration of law or other governmental function or preventing or attempting to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act, or by means of interfering, whether or not physical force is involved, with radio, telephone, television or other telecommunications systems owned or operated by the state, or a county, city, town, village, fire district or emergency medical service or by means of releasing a dangerous animal under circumstances evincing the actor's intent that the animal obstruct governmental administration.

It is undisputed that Sergeant Bowman told § 87(2)(b) "You're next." Sergeant Bowman's testimony that he had instructed § 87(2)(b) to remain near the stoop of § 87(2)(b) is consistent with his BWC video, which captures him telling multiple individuals, including § 87(2)(b) to stay back as officers removed § 87(2)(b) to the ambulance parked nearby.

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Allegation (Y) Abuse of Authority: Police Officer Ana Alba threatened § 87(2)(b) with the use of force.

At 4:50 on the player timestamp of PO Alba's BWC, (BR 34) § 87(2)(b) is captured walking near PO Alba, still filming on her cell phone. § 87(2)(b) states, "You're only tough because you got a badge...when I see y'all without that badge...[unintelligible]." PO Alba responds, "Alright, I'll see you...I'll wait for you. § 87(2)(b) is gonna see me without my badge, okay." In the moments prior to this remark, § 87(2)(b) is approximately ten feet away from PO Alba and is not captured making physical contact with her or any other officers.

PO Alba testified (BR 35) that she told § 87(2)(b) "Alright, I'll see you...I'll wait for you. § 87(2)(b) is gonna see me without my badge, okay." There was no reason for which PO Alba made this remark to § 87(2)(b). PO Alba could not recall if she saw any individuals at the scene she perceived as threatening. PO Alba had experienced civilians telling her to take her shield off many times in the past and understood it to be a reference to some sort of physical altercation.

NYPD Patrol Guide Procedure 221-01 states force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody.

It is undisputed that PO Alba told § 87(2)(b) that she would see § 87(2)(b) without her badge. As PO Alba's testimony demonstrated a clear understanding that this remark was a reference to physical force, this allegation was pled as a threat of force. As PO Alba's BWC captures § 87(2)(b) nearly ten feet away when PO Alba makes this remark, § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Allegation (R) Discourtesy: Sergeant Orville Temple spoke discourteously to § 87(2)(b)

Allegation (L) Discourtesy: Police Officer Joseph Graziadio spoke discourteously to § 87(2)(b)

Allegation (O) Courtesy: Police Officer Gustavo Ochoa spoke discourteously to § 87(2)(b)

[REDACTED] testified that throughout the incident, officers stated, "Get the fuck back, get the fuck back."

At 0:05 on the player timestamp of Sergeant Temple's BWC (BR 36), he is assisting PO Monegrosantos in handcuffing § 87(2)(b). An unknown individual approaches Sergeant Temple and comes within arm's reach of him and § 87(2)(b). Sergeant Temple states, "Back the fuck up."

At 0:53 on the player timestamp of PO Castro's BWC, he and PO Graziadio forcibly take § 87(2)(b) to the ground near the garbage bags. Approximately 20 seconds later at 1:27 on the player timestamp of PO Castro's BWC, § 87(2)(b) is thrashing her body on the ground and screaming. PO Graziadio states, "Motherfucker." At 1:44, PO Graziadio states, "Get the fuck back...We're trying to fucking help." Between 1:10 and 1:20 on the player timestamp of PO Ochoa's BWC (BR 37), PO Ochoa, PO Castro, and PO Graziadio are escorting § 87(2)(b) onto the stretcher and into the ambulance. § 87(2)(b) is physically resisting officers, and PO Ochoa and PO Castro have to lift her up onto the stretcher. § 87(2)(b) is screaming at full volume. At 1:23 on the player timestamp of PO Ochoa's BWC, PO Ochoa states, "Shut the fuck up."

PO Ochoa testified (BR 38) that upon arrival on scene, he observed a crowd yelling and screaming at officers and saw PO Castro and PO Graziadio handcuffing § 87(2)(b). PO Graziadio and PO Castro then escorted § 87(2)(b) to the stretcher near the ambulance, and PO Ochoa assisted by grabbing § 87(2)(b)'s left arm. As PO Ochoa escorted § 87(2)(b) to the stretcher near the ambulance, § 87(2)(b) yelled, cursed at him, dropped her body weight, and tensed up. PO Ochoa stated, "Shut the fuck up," in the heat of the moment because the situation caused him to have an adrenaline rush.

Sergeant Temple testified he stated, "Back the fuck up," because he believed that the individual that approached himself, PO Monegrosantos, and § 87(2)(b) was attempting to interfere with § 87(2)(b)'s arrest. Sergeant Temple needed the individual to back up immediately and found the use of profanity to be effective in forcing the individual to back up.

As the entirety of this portion of the incident was captured on BWC, PO Graziadio was not interviewed for this investigation.

NYPD Patrol Guide Procedure 200-02 states that members of service are to maintain a higher standard of integrity than is generally expected of others, and to value human life, respect the dignity of each individual and render services with courtesy and civility. Officers may use profanities "in the context of a dynamic situation over which [he or she is] attempting to gain control," but may not do so when it "[serves] no legitimate purpose but to belittle" a civilian (PD v. Pichardo, DAO DCT Case Number 2015-15012) (BR 39).

It is undisputed that Sergeant Temple stated, "Back the fuck up," and that PO Ochoa told § 87(2)(b) "Shut the fuck up." § 87(2)(b)'s testimony that officers stated, "Get the fuck back," is consistent with PO Graziadio's BWC, during which he is captured stating, "Get the fuck back." PO Graziadio's BWC also captured additional discourtesies, including "motherfucker," and "we're trying to fucking help." § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation (Z) Offensive Language: Officers made remarks to § 87(2)(b) based upon the perceived sexual orientation of § 87(2)(b)

Allegation (AA) Courtesy: Officers spoke discourteously to § 87(2)(b)

Allegation (AB) Offensive Language: Officers made remarks to § 87(2)(b) based upon the perceived sexual orientation of § 87(2)(b)

Allegation (AC) Discourtesy: Officers spoke discourteously to § 87(2)(b)

Allegation (AD) Offensive Language: Officers made remarks to § 87(2)(b) based upon the perceived sexual orientation of § 87(2)(b)

Allegation (AE) Discourtesy: Officers spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that at some point during the incident, officers referred to § 87(2)(b) and § 87(2)(b) as dykes. § 87(2)(b) stated she later observed this on a cell phone video of the incident.

§ 87(2)(b) testified that a white male officer with black hair and a slim build in his thirties and dressed in uniform called § 87(2)(b) a "stupid dyke." At this point, § 87(2)(b) was in the ambulance and the officer was standing near § 87(2)(b).

§ 87(2)(b) testified she did not hear any officers refer to § 87(2)(b) or any civilians on scene as dykes.

§ 87(2)(b) testified she did not hear any officers refer to any civilians on scene as dykes.

Cell phone footage provided by § 87(2)(b) does not capture any officers referring to civilians as dykes. All available BWC evidence does not capture any officer referring to any civilian as a dyke.

A search of the CCRB's Complaint Tracking System MOS roster revealed that of the 33 officers that responded to the incident location, 28 of them were men and either white or Hispanic. Without additional descriptive information, § 87(2)(b) description of the subject officer was not detailed enough to narrow down a subject officer based on pedigree information alone.

Sergeant Bowman, Sergeant Temple, Sergeant Duran, PO Rivera, PO Ochoa, PO Fortino all testified they did not call any individuals on scene, "dyke," nor did they hear any other officers do so.

Without video evidence capturing the allegation, the investigation could only rely on § 87(2)(g)

§ 87(2)(b) description of a white male officer with brown hair, a slim build, in his thirties. § 87(2)(g)

Allegation (AF) Abuse of Authority: Officers obstructed their shield numbers.

§ 87(2)(b) testified that after PO Monegrosantos and PO Rivera called for back up, many officers from the 44th Precinct arrived on scene. § 87(2)(b) noticed that all the officers who arrived thereafter had black bands across their shields, obscuring their shield numbers from view, but did not attribute this behavior to any one officer or officers specifically.

All available BWC evidence does not capture any officers with black bands, or mourning bands, obscuring their shield numbers.

Sergeant Bowman, Sergeant Temple, Sergeant Duran, PO Rivera, PO Ochoa, PO Fortino all testified they could not remember any officers on scene wearing mourning bands that obscured their shield numbers.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (BR 40).
- This is the first complaint to which § 87(2)(b) has been a party (BR 41).
- This is the first complaint to which § 87(2)(b) has been a party (BR 42).
- This is the first complaint to which § 87(2)(b) has been a party (BR 43).

- This is the first complaint to which § 87(2)(b) has been a party (BR 49).
 - PO Fortino has been a member of service for five years and has been a subject in two CCRB complaints and seven allegations, none of which were substantiated. § 87(2)(g)
[REDACTED]
 - PO Monegrosantos was a member of service for four years and was a subject in eight CCRB complaints and 19 allegations, none of which were substantiated. § 87(2)(g)
[REDACTED]
 - PO Alba has been a member of service for five years and has been a subject in six CCRB complaints and nine allegations, none of which were substantiated. § 87(2)(g)
[REDACTED]
 - PO Rivera has been a member of service for three years and has been a subject in two CCRB complaints and five allegations, none of which were substantiated. § 87(2)(g)
[REDACTED]
 - Sergeant Temple has been a member of service for 11 years and this is the first complaint to which he has been a subject.
 - Sergeant Bowman has been a member of service for 16 years and has been a subject in 15 CCRB complaints and 34 allegations, of which four were substantiated.
 - 202000753 involved two substantiated allegations of failure to provide an RTKA card. The Board recommended Command Discipline A and the NYPD imposed no penalty.
 - 201808753 involved substantiated allegations of property damage and seizure of property. The Board recommended Command Discipline A and the NYPD imposed Command Discipline A.
 - § 87(2)(g)
[REDACTED]
 - PO Ochoa has been a member of service for 10 years and has been a subject in six CCRB complaints and 10 allegations, of which two were substantiated.
 - 201308284 involved a substantiated allegation of a vehicle search. The Board recommended Formalized Training and the NYPD imposed Formalized Training.
 - 201402042 involved a substantiated allegation of physical force. The Board recommended Command Discipline B and the NYPD imposed Command Discipline B.
 - § 87(2)(g)
[REDACTED]
 - PO Graziadio has been a member of service for three years and has been named a subject in two complaints and two allegations, neither of which were substantiated. § 87(2)(g)
[REDACTED]
 - PO Castro was a member of service for 12 years and was named a subject in two CCRB complaints and four allegations, none of which were substantiated. § 87(2)(g)
[REDACTED]

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
 - As of February 18th, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (BR 44).

[§
87(2)
(b)] [§
86(1)
(3)&(4)
] [§
87(2)
(c)]

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Squad: 14

Investigator: C.V. Signature Inv. Carlo Vescovi Print Title & Name 09/14/2022 Date

Squad Leader: Cassandra Fenkel Signature IM Cassandra Fenkel Print Title & Name 09/14/2022 Date

Reviewer: _____ Signature _____ Print Title & Name _____ Date